

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ROBERT OLAFSON and
PATRICIA OLAFSON
Plaintiffs,

v.

KYLE E. BYRNE and BFI WASTE
SERVICES OF MASSACHUSETTS, LLC
and MARGARET HAMILL
Defendants.

DOCKET NO: 04 10158MLW

**JOINT MOTION TO CANCEL MEDIATION WITH MAGISTRATE, EXTEND
SCHEDULING ORDER DATES AND CONTINUE STATUS CONFERENCE**

Now comes all the parties in this matter and jointly move this Court to enter an Order:

(1) canceling the Court implemented mediation scheduled for September 9, 2005 with Magistrate Judith G. Dein to allow the parties to mediate this matter with an agreed upon private mediator at a mutually agreeable time; (2) further extend dates established by the Scheduling Order to accommodate the parties mediation schedule and allow plaintiff additional time in which to produce expert reports and conduct depositions; and (3) continue the Status Conference, which is currently scheduled for October 3, 2005, to a date after the parties have completed mediation. In support of this Motion, in light of the parties schedules and other factors, the parties have agreed to extend the time for plaintiff to produce expert reports and to mediate this matter with a Paul Finn, Esquire on November 1, 2005, which is a time when all parties and mediator are available. The allowance of this Motion will ensure the most productive mediation possible. In light of this Motion and the new mediation date, the parties request the Court to extend the current

scheduling order and continue the scheduled Status Conference as follows:

1. Plaintiff's Expert disclosures due by August 22, 2005;
2. Defendants' Expert disclosures due by November 25, 2005;
3. Fact discovery deadline to November 27, 2005, for the limited purpose of allowing the plaintiff to conduct agreed upon video depositions after the mediation and the deposition of defendant Margaret Hamill; and
4. Status Conference continued to November 28, 2005 or sometime thereafter.

Wherefore the above-stated reason, the parties jointly request that this motion be allowed in its entirety and the Court enter an order for the following: (1) the cancellation of the mediation with Magistrate Dein; (2) further extend the dates established by the Scheduling Order, as requested above; and (3) continue the Status Conference to November 28, 2005, or sometime thereafter.

ROBERT OLAFSON and
PATRICIA OLAFSON
By their attorney,

MARGARET HAMILL,

By her attorney,

/s/ John C. Ottenberg
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MASSACHUSETTS,
By their attorneys,

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By his attorney,

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Date: July 29, 2005